

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

MELISSA THRASHER-LYON, on behalf of	)	
herself and a class similarly situated,	)	
	)	
Plaintiff,	)	Case No.: <b>11-C-4473</b>
vs.	)	
	)	Judge John J. Tharp, Jr.
CCS COMMERCIAL LLC d/b/a CREDIT	)	
COLLECTION SERVICES COMMERCIAL,	)	
	)	
Defendants.	)	

**DEFENDANT’S RESPONSE TO MINUTE ORDER DATED 9/27/12**

Defendant, CCS COMMERCIAL LLC d/b/a CREDIT COLLECTION SERVICES COMMERCIAL (“CCS”), submits the following response to this Court’s Minute Order dated September 27, 2012:

1. Defendant has moved to reconsider this Court’s September 4, 2012 Memorandum Opinion and Order (Dkt. 90) which summary judgment in favor of Plaintiff. Dkt. Nos. 89, 91. Alternatively, Defendant has moved this Court for an interlocutory appeal pursuant to 28 U.S.C. § 1292(b). Dkt. No. 90. Plaintiff filed a combined response in opposition to the pending motions on September 21, 2012. Dkt. No. 92.

2. On September 27, 2012, the Court issued the following Minute Order:

Both parties are directed to appear on Wednesday, October 10 at 9:30 a.m. for a hearing on CCSs motion to certify the Courts September 4, 2012, summary judgment ruling [90]. The parties should be prepared to address in specific detail why certification would or would not materially advance the ultimate termination of the litigation. In particular, the parties should be prepared to explain what, if any, additional discovery would be required (and why such discovery is, or is not, needed) on class certification and, if a class is certified, on the merits, if the Court were to deny the request for interlocutory appeal.

3. In deciding whether or not to certify an interlocutory appeal, the Court must make the following determinations: “[1] there must be a question of law, and [2] it must be controlling, it [3] must be contestable, and [4] its resolution must promise to speed up the litigation.” *Ahrenholz v. Bd. Of Trustees of the Univ. of Ill.*, 219 F.3d 674, 675 (7th Cir. 2000)(emphasis omitted, brackets supplied). This Court’s Minute Order focuses on the fourth element.

4. In order to assist this Court’s analysis of the issues posed in this Court’s Minute Order, Defendant has attached Defendant’s Answers and Objections to Plaintiff’s First Set of Discovery Requests (Exhibit A) and Plaintiff’s Third Set of Discovery Requests which were served on September 25 (Exhibit B). See also, Plaintiff’s Motion to Compel Production of Class Database. Dkt. No. 65 (Exhibit C). Plaintiff’s Motion to Compel was entered and continues. Dkt. No. 81.

Respectfully submitted,

By: /s/ James C. Vlahakis  
One of the Attorneys for Defendant CCS  
COMMERCIAL LLC.

David M. Schultz  
James C. Vlahakis  
HINSHAW & CULBERTSON LLP  
222 North LaSalle Street, Suite 300  
Chicago, Illinois 60601  
312/704-3000  
[dschultz@hinshawlaw.com](mailto:dschultz@hinshawlaw.com)  
[jvlahakis@hinshawlaw.com](mailto:jvlahakis@hinshawlaw.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on **October 9, 2012**, I electronically filed the above document with the Clerk of the Court using the CM/ECF system which will send notification of such filing(s) to all counsel of record.

/s/ James C. Vlahakis  
Hinshaw & Culbertson LLP  
Attorney for Defendant  
222 North LaSalle, Suite 300  
Chicago, IL 60601  
tel 312-704-3715